

January 20, 1999

Mr. David Anderson  
Chief Counsel  
Office of Legal Services  
Texas Education Agency  
1701 North Congress Avenue  
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OR99-0140

Dear Mr. Anderson:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 121550.

The Texas Education Agency ("TEA") received a request for "all complaints filed with the Texas Education Agency regarding the Burnet Consolidated Independent School District in the spring of 1997." This office received a notice from the District Attorney's Office for the Thirty-Third Judicial District that there is an ongoing grand jury investigation.

You contend that the requested information, marked Exhibits 2 and 3, is excepted from public disclosure pursuant to section 552.108 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

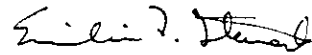
(1) release of the information would interfere with the detection, investigation, or prosecution of crime; . . .

(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

In this instance, the District Attorney for the Thirty-Third Judicial District has informed us that the records at issue pertain to a pending criminal investigation. The need of a law enforcement agency, other than the body that is seeking an open records decision, to withhold information under section 552.108 of the Government Code may be the basis for excepting the information from disclosure. Open Record Decision 586 (1991). We therefore conclude that you may withhold the requested records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart  
Assistant Attorney General  
Open Records Division

EFS\nc

Ref: ID# 121550

Enclosures: Submitted documents

cc: Mr. Gary Parson  
River City Tribune  
P.O. Box 10  
Marble Falls, Texas 78654  
(w/o enclosures)